

**REMARKS/ARGUMENTS**

With this amendment, claims 1, 4-13, and 15-18 are pending. New claim 45 is added. For convenience, the Examiner's rejections are addressed in the order presented in the January 22, 2003, Office Action.

**I. Status of the claims**

Claim 1 is amended to recite conditions associated with fetal alcohol syndrome (FAS) that are reduced by treatment with ADNF peptides. Support for this amendment is found throughout the specification, for example at page 7, lines 19-27; page 17, lines 1-4, and original claims 15-18. This amendment adds no new matter. Claim 1 is also amended to recite administration of ADNF polypeptide before alcohol exposure. Support for this amendment is found throughout the specification, for example at Figures 1-3 and respective figure legends at page 5, lines 1-30; page 35, line 24 through page 36, line 3; and page 37, lines 1-10. This amendment adds no new matter.

Claims 1 and 15-18 are amended to recite fetus. Support for this amendment is found throughout the application, for example at page 7, lines 24-32. This amendment adds no new matter.

New claim 45 is directed to the method of claim 1 using a mixture of an ADNF I polypeptide of SEQ ID NO:1 and an ADNF III polypeptide of SEQ ID NO:2. Support for this amendment is found throughout the specification, for example at page 3, line 30 through page 4, line 5; Figures 1-3 and their respective figure legends at page 5, lines 1-30; and page 17, lines 8-13. This amendment adds no new matter.

**II. Rejections under 35 U.S.C. §112, first paragraph enablement.**

Claims 1, 4-13, and 15-18 are rejected under 35 U.S.C. §112, first paragraph for allegedly lacking enablement. The Examiner has indicated that claims directed to administration of ADNF polypeptides before alcohol exposure are allowable (*see, e.g.*, paper 24, page 2 and paper 29, page 2). In order to expedite prosecution Applicants have amended claim 1 to recite

Appl. No. 09/267,511  
Amdt. dated [insert date]  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group

PATENT

conditions associated with fetal alcohol syndrome (FAS) that are reduced by treatment with ADNF peptides, to recite fetus rather than subject, and to recite administration of an ADNF polypeptide before alcohol exposure. In view of the amendments, Applicants respectfully request the rejection for alleged lack of enablement be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Beth L. Kelly  
Reg. No. 51,868

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
Attachments: RCE  
Petition to Extend Time  
Fee Transmittal

BLK:blk/jhd  
60061251 v1